

I. MARK COHEN, ESQ.
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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON January 27, 2009

Attorney for Alvin Krass, Psy. D.

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ALVIN KRASS, PSY.D.

LICENSE NO. 275

TO PRACTICE PSYCHOLOGY IN THE
STATE OF NEW JERSEY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL
EXAMINERS

DOCKET No.:

Administrative Action

**CERTIFICATION IN MITIGATION
OF SANCTIONS**

Alvin Krass, Ph.D, hereby certifies and says:

1. I make this certification in support of the mitigation of the sanctions to be imposed by the Board of Psychological Examiners.
2. I have a bachelor's degree in psychology from Brooklyn College, majoring in psychology a master's degree in clinical and school psychology, from New York University and Ph.D. from New York University. I was licensed to practice as a psychologist in the State of New Jersey in 1967. I presently maintain an office for the practice of psychology at 4 Hartford Drive, Boro of Tinton Falls, County of Monmouth, State of New Jersey.
3. Since 1952, I have worked in psychology testing and assessment as well as providing clinical services. I have invented a screening instrument from neurocognitive assessment called Acumen. I am assessing its validity and reliability dealing with ADHD, dementia and other neurocognitive deficiency in function.
4. I have patented seven psychological testing instruments and have copyrighted

thirteen psychological test used primarily in screening the vocational capabilities among persons identified as handicapped, hard to employ or demonstrating special needs.

5. My continuing practice is vital to my clients and the community at large.

6. In the past year I have accomplished the following professionally:

A) I have just become a participant in a Veterans Administration Department of Vocational Rehabilitation combined program providing services for returning servicemen.

B) I have entered in to an agreement with Health South, the Rehabilitation Hospital of Tinton Falls to provide cognitive screening for persons who fear they may have mild dementia. They can be referred either for the newly, very encouraging, treatment program involving Aricpet and Nemenda, or for referral for cognitive rehabilitation at Health South.

C) I have been asked by De La Salle Hall, the nursing and rehabilitation center operated by the Christian Brothers, in Lincroft, New Jersey to evaluate brothers. I am assisting those who are already on the joint medication regimen, to be reevaluated in six months to see if there was any change in their cognitive performance.

D) I serve as a screening consultant for candidate employment with the Monmouth County Parks System, the Asbury Park Police and Fire Department, the Irvington Police Department, Keansburg Police Department and eight or ten smaller local police departments.

E) I serve as a consulting psychologist for those departments to provide counseling services for members of the departments who may be experiencing some emotional crisis or difficulties.

7. In an average week at my practice I see between ten to 15 private patients in my office. Among these are two currently abstinent substance abusers, who have been making great strides in functioning without resort to alcohol or drugs.

8. Among my patients are six medicare recipients who were experiencing crises in their adjustment with depression or anxiety. Nearly all are seen cooperatively for medication by local physicians with whom I work on a regular basis.

9. Among my patients are three to four patients with fairly severe marital difficulties. There is one family with a handicapped child approaching adulthood with deep concerns about his potential for independent function. I have provided him with an education and vocational program, and upon graduating this year, I hope he will become increasingly economically and socially independent. I am working with three or four patients on a regular basis who are experiencing chronic symptoms of anxiety or characteristic phobic difficulties, who are also jointly on medication regimen as well as receiving psychotherapy.

10. Due to the current economic conditions, my patients will become even more in need of my counseling. I will continue to see them even if they cannot meet their financial obligation to me.

11. In more than 50 years of my practice this complaint is the only one that I am aware of. I believe that the complaint was based on a misunderstanding as an effort on my part to avoid responsibility for meeting her request for reimbursement for her investment in Acumen Neurocognitive Testing. I was going to pay off the debt in full. When I was not current she contacted the Board to get paid. The balance due has been paid back with interest as per the settlement agreement. Most importantly I entered into the payment arrangement with her not knowing that she had contemporaneously filed a complaint with the Board. My financial obligation to her are long completed.

12. I am now fully cognizant of my obligations under the New Jersey Statute N.J.S.A. 45:1-21(e), that I engaged in professional or occupational misconduct as described by the Board and under (h) have violated or failed to comply with the provisions of any act or regulation

administered by the Board.

13. I have acknowledged my violations, N.J.A.C. 13:42-10.13(c) conflict of interest as I had a financial obligation to this patient by this loan and N.J.A.C. 13:42-10.13 (d), as I had bartered for a small part of the sum owed. My acceptance did not impair my professional judgment as, N.J.A.C. 13:42 10.13 (f). No where is the penalty set forth. I acknowledge the Board's powers.

14. The issue as to whether or not these financial arrangements with BN were one which would impair my professional judgment. The money that she lent was to be used entirely for the development of a psychological testing program designed to identify impaired cognitive function.

The instrument, called the Acumen, was developed, obtained a patent, and is now been validated for screening for ADHD, has been favorably reviewed by the New Jersey Task Force on Driver Safety, and has been approved by the Robert Wood Johnson Committee (IRB) for further research to validate it for screening for modest neurocognitive impairment.

15. I derived absolutely no personal gain from her investment. My belief was that by offering her an opportunity to participate in this development, was actually a therapeutic rather than an anti therapeutic activity. At the time we discussed her investment she was functioning ably. She had moved into a new residence, had developed social relationships that were gratifying, had resolved conflicts with her children, and had managed to resolve major financial issues following her husbands death, when she took over running his near bankrupt business and converted it into a viable, then salable enterprise.

16. If she had been evaluated at that time as to the need for further treatment it was not necessary, in my opinion she was functioning optimally.

17. At no time did I feel that her participation impaired my professional judgment

about her or that it would interfere with my continued firm and positive relationship with her. This was after many years involvement.

18. It is important to note that she never contacted me because there were ongoing discussions relative to an acquisition of the company. This unfortunately ended when the prospective buyer became fatally ill, during that time there was a demand for confidentiality. I could not openly discuss what was transpiring. I believed in short order I would be able to pay back the money that she had wanted paid.

19. The prohibition of N.J.A.C. 13:42-10.13 (f) is not applicable in this instance as it would not be expected to cause impairment or risk, exploitation or harm are not ethical conducts, I believe fully fit the issues herein.

20. In retrospect, I would of course not have engaged in the conduct as it per se prohibited.

21. The administrative code at N.J.A.C. 13:42 -10.13 (f) states "could the relationship be reasonably expected to impair the psychologist objectivity, confidence, or effectiveness". In my opinion it did not do so. Secondly, the ethical standards states "does the relationship risk exploitation or harm to the person with whom a professional relationship exists, "not only does not fit, but if anything provided BN with an opportunity to participate in altruistic, socially redeemable activity which would lead to a positive and useful and socially redeeming outcome.

22. The report of Susan Cohen Esquilin, Ph.D. ABPP, dated March 24, 2008, states in part: "as I have not reviewed the records of his treatment of this client, it is not possible to ascertain whether this objection, competence, or effectiveness were in fact impaired." Dr. Esquilin does not state the sanction for the conduct.

23. Attached hereto is copy of a correspondence dated January 22, 2009, from Thomas McMann, one of my patients, who has set forth my professional contribution to his family and


himself, annexed hereto as Exhibit A.

24. I have also enclosed the correspondence from Peter C. Rutan, Ed.D. of Monmouth Neuropsychology Associates, to my attorney regarding my contributions to the profession. This is annexed hereto as Exhibit B.

25. I am proud to be a psychologist and believe that my services to my community and patients who come to me has been based on sound practice. I regret what has transpired with BN and what has caused this action to be taken. Her complaint was over the dollars owed but not her treatment.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by are willfully false, I am subject to punishment

Date: 1/23/09


ALVIN KRASS, Ph.D

CERTIFICATION OF MAILING

I hereby certify that the original and one copy of the Certification in Mitigation of Sanctions have been filed within the time and manner as prescribed by the Rules of court with J. Michael Walker, Executive Director, Board of Psychological Examiners, P.O. Box 45017, 124 Halsey Street, – 6th Floor, Newark, New Jersey 07101, Carmen Rodriguez, Deputy Attorney General, Office of the Attorney General, Department of Law and Public Safety, P.O. Box 45029, 124 Halsey Street, Newark, NJ 07101, and Kim D. Ringler, Deputy Attorney General, Attorney General of New Jersey, Division of Law, P.O. Box 45029, 124 Halsey Street, Newark, New Jersey 07101, by certified mail return receipt requested and regular mail postage prepaid.

Dated: January 23, 2009



I. MARK COHEN, ESQ.

EXHIBIT A

Thomas P. McMann
46 Hilltop Terrace
Red Bank, New Jersey 07701
Email: tpmcmann@comcast.net

Phone: 732-530-9817

Fax: 732-530-9581

January 22, 2009

To Whom It May Concern:

I have been a patient of Dr. Avin Krass since early 2008. In the period since then, I have with his help successfully rebuilt my life and career. I have found him to be the most dedicated, insightful, and compassionate mental health professional I have ever had the good fortune to deal with.

My journey with treatment began in 1994, and in the intervening years have dealt with six other psychiatrists and therapists. None of those highly qualified professionals who were affiliated with some of the leading teaching hospitals in the Northeast were as successful as Dr. Krass in helping me unravel the events of my life to place them in proper context. With his help I have been able to save my marriage and gain the confidence to resurrect my professional career.

I can also attest to the success that Dr. Krass has had in treating members of my family. Two of my nephews have been able to completely turn their lives around with the help of Dr. Krass, and I have had the joy of watching them grow into exemplary young men.

If I can provide any additional information about my experience with Dr. Krass, please feel free to contact me.

Very truly yours,



Thomas P. McMann

EXHIBIT B

Monmouth Neuropsychology Associates

Peter C. Rutan, Ed.D.
Licensed Psychologist
(SI 01660)

Michael J. Raymond, Ph.D.
Licensed Psychologist
(SI 02529)
Diplomate, American Board of
Professional Neuropsychology

Pediatric & Adult Clinical/Forensic Neuropsychology

January 21, 2009

Mark Cohen, Esq.
Law Offices
1 Executive Drive
Tinton Falls, NJ 07724

Dear Mr. Cohen:

I am writing in regard to Alvin Krass, Ph.D. I have known Dr. Krass as a professional colleague for over 30 years. During that time, I have known Dr. Krass to be a responsible and ethical psychologist who has made positive contributions to the community and to his fellow psychologists through his participation in professional activities.

Sincerely Yours,



Peter C. Rutan, Ed.D.

Licensed Psychologist NJ# 3551 00166000